

ATTORNEY DOCKET NO.
AUS920030961US1

PATENT APPLICATION
SERIAL NO. 10/759,937

DRAWINGS

Please amend the Drawings as follows:

Figure 1 replacement sheet.

REMARKS

The Office Action dated December 13, 2005 in this Application has been carefully considered. Claims 1-9, 13-15, 17-18, 20-22, and 24-25 are pending. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 3-9, 11, 13-15, 17-18, 20-22, and 24-25 have been amended in this Response. Claims 10, 12, 16, 19, 23 have been cancelled in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and following remarks.

Applicants wish to thank the Examiner for the courtesy of the interview conducted on February 22, 2006. During the interview, the above-referenced amendments were discussed.

The drawings stand objected to because of an alleged informality. Namely, the Examiner because, “according to paragraphs 18 and 20, the device 160 was called an ‘ignition system’ and according to paragraph 15, the device 160 was called an ‘ignition switch.’” Office Action, Page 2. Applicants respectfully submit the attached replacement sheet for Figure 1, correcting the identified informality and other typographical errors. Accordingly, Applicants respectfully request that this objection be withdrawn.

Claim 18 stands objected to “as being of improper dependent form for failing to further limit the subject matter of a previous claim.” Office Action, Page 2. Claim 18 has been amended in this Response to recite, in relevant part, “The method of Claim 17, wherein . . .” Accordingly, Applicants respectfully request that this objection be withdrawn.

Claim 1 stands objected to because of an alleged informality. Namely, the Examiner stated that, “‘vehicle ignition switch’ should be changed to ‘vehicle ignition system.’” Office Action, Page 3. Claim 1 has been amended in this response to recite, in relevant part, a “vehicle ignition system.” Accordingly, Applicants respectfully request that this objection be withdrawn.

Claim 9 stands objected to because of an alleged informality. Namely, the Examiner stated that, “Claim 9 contains the terms ‘the ability to’”, and “It has been held that the recitation that an element is ‘the ability to’ performing a function is not a positive limitation but only requires the ability to so perform” and, therefore, “does not constitute a limitation in any patentable sense.” Office Action, Page 3. Claim 9 has been amended in this response to depend from Claim 1 and to recite, “The apparatus of Claim 1, wherein the processor is further configured: to at least determine safe locations based on historical vehicle enablement; for a user or owner to at least remotely program safe locations; and for a user or owner to at least remotely predefine conditions for vehicle enablement.” Accordingly, Applicants respectfully request that this objection be withdrawn.

Claims 19-25 stand rejected under 35 U.S.C. §112, second paragraph, as being allegedly “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Office Action, Page 3. In particular, “Claims 19 and 23 recite the limitations ‘computer program product, having a medium with a computer program and computer program comprising a computer code’ is not clear of the limitations and is not specifically used in the specification as disclosed.” Office Action, Page 4. Applicants respectfully traverse this rejection.

Applicants respectfully point the Examiner to the first full paragraph on Page 4 of the original application:

It is further noted that, unless indicated otherwise, all functions described herein can be performed in either hardware or software, or some combination thereof. In a preferred embodiment, however, the functions are performed by a processor such as a computer or an electronic data processor *in accordance with code such as computer program code*, software, and/or integrated circuits that are coded to perform such functions, unless indicated otherwise.

Original Application, Page 4 (emphasis added). Applicants respectfully submit that the recitation, “A computer program product for remotely controlling vehicle ignition, the computer program product having a medium with a computer program embodied thereon” is thus enabled. Further, Applicants respectfully submit that the recitation is also sufficient to serve notice of what applicants regard as the invention in light of the Specification and the knowledge of one of ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection of Claims 19 and 23 under 35 U.S.C. §112, second paragraph, be withdrawn.

Additionally, Claims 19 and 23 have been cancelled in this Response. However, Claim 22 has been amended in this Response to stand in independent form, including all of the limitations of Claim 19. Further, Claims 20, 21, 24, and 25 have been amended in this Response to depend from Claim 22. Accordingly, Applicants respectfully request that the rejection of Claims 20-22 and 24-25 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 12-14, 16-21, and 23-25 stand rejected under 35 U.S.C. §102(b) by U.S. Patent No. 6,664,888 by Bishop (“Bishop”). Insofar as they may be applied against the Claims, these rejections are traversed.

Claims 15 and 22 stand objected to “as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Office Action, Page 12.

Claim 15 has been amended in this Response to stand in independent form, including all of the limitations of Claim 12. Claims 12 and 16 have been cancelled in this Response. Claims 13, 14, 17, and 18 have been amended to depend from allowable independent Claim 15. Accordingly, Applicants respectfully request that the rejection of Claims 13, 14, 17, and 18 under 35 U.S.C. §102(b) be withdrawn and that Claims 13-15 and 17-18 be allowed.

Claim 22 has been amended in this Response to stand in independent form, including all of the limitations of Claim 19. Claims 19 and 23 have been cancelled in this Response. Claims 20, 21, 24, and 25 have been amended to depend from allowable independent Claim 22. Accordingly, Applicants respectfully request that the rejection of Claims 20, 21, 24, and 25 under 35 U.S.C. §102(b) be withdrawn and that Claims 20-22 and 24-25 be allowed.

Claims 1-11 stand rejected under 35 U.S.C. §103(a) by U.S. Patent No. 6,664,888 by Bishop (“Bishop”) in view of U.S. Patent No. 6,275,773 by Lemelson et al. (“Lemelson”). Insofar as they may be applied against the Claims, these rejections are traversed.

Regarding allowable Claims 15 and 22, the Examiner stated that, “the prior art fail to suggest limitations that to determine safe locations based on historical vehicle enablement; and automatically enabling or disabling based.” Office Action, Page 12. Claim 1 has been amended in this Response to recite, in relevant part, “wherein the at least one predetermined, enumerated condition is at least based on a history of usage” and “wherein the processor is further configured to automatically enable or disable vehicle ignition based on enabling or disabling of the manual ignition switch.”

Applicants therefore submit that amended Claim 1 is clearly and precisely distinguishable over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicants respectfully request that the rejection of amended Claim 1 under 35 U.S.C. § 103(a) be withdrawn and that Claim 1 be allowed.

Claim 10 has been cancelled in this Response. Claims 3-9 and 11 have been amended to depend from amended Claim 1. Thus, Claims 2-9 and 11 depend on and further limit Claim 1. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for

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allowance. Applicants respectfully request that the rejections of the dependent Claims 2-9 and 11 also be withdrawn and that dependent Claims 2-9 and 11 be allowed.

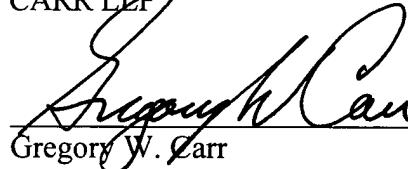
Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-9, 13-15, 17-18, 20-22, and 24-25.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP



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